

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

**Application of Florence Olajide**

**APPLICANT’S PRE-HEARING STATEMENT**

This Hearing Statement (“Statement”) outlines the existing and proposed use of the property and the manner in which the application (“Application”) complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

**NATURE OF RELIEF SOUGHT**

This is an application pursuant to 11 DCMR Subtitle X, Chapter 9, § 900.2 for a special exception under Subtitle U, §421.1 to allow the new construction of an apartment house building containing four (4) dwelling units, subject to the conditions set forth under U, §§ 421.1 through 421.4 in the RA-1 zone district.

The proposed new residential development complies with all other applicable provisions of the Zoning Regulations in the underlying RA-1 zone district

**SUMMARY OF APPLICATION**

The applicant seeks special exception pursuant to 11 DCMR Subtitle X, § 900.2 in accordance with the standards set forth in X, § 901.2 (a) through (c) to establish the proposed use in the underlying RA-1 zone district as set forth under Subtitle F, § 421.1

## **JURISDICTION OF THE BOARD**

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 9, § 900.2.

As further set forth under § 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a). Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b). Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c). Will meet such special conditions as may be specified in this title.

As more specifically outlined below in this hearing statement and as will be further attested in the course of the hearing, the applicant contends that the application complies with the three provisions set for the above, and with all the applicable standards prescribed under §§ 421.2 through 421.4.

## **PROPERTY LOCATION AND DESCRIPTION**

The property is located at 1326 Fort Stevens Drive NW in the Brightwood-Manor Park Neighborhood.

The surrounding neighborhood is predominantly improved with medium density residential developments comprising three to four-story apartment buildings.

The subject property is Parcel No. 0087/0570 and it is a landlocked lot without street frontage and is located behind 1320 Fort Stevens Drive NW. The status of the subject property as a landlocked lot without street frontage is an existing condition

The subject property does not abut a public alley, hence access to the rear of the property is via a vehicular easement both from Fort Stevens Drive and Peabody Street (see Area Map and submitted easement)

The subject property is currently unimproved. The subject property comprises three thousand, four hundred and thirty-six square feet (3,436 ft<sup>2</sup>) in lot area or size.

Applicant proposes to construct a new building containing four (4) dwelling units therefore an apartment house as the term is defined in the relevant section of the Zoning Regulations

The proposed project complies with all other applicable provisions, including percentage of lot occupancy; limitation on height and number of stories; side yards, Floor Area Ratio (FAR); rear yard and Green Area Ratio (GAR) requirement.

The proposed apartment house is intended as market rate rental dwelling units and will comprise one (1) 2-bedroom two and one-half (2.5) baths; one (1) 2-bedroom two (2) bath and two (2), two and one-half (2.5) bath units for a total four (4) dwelling units.

## **STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

### **1. Compliance with the three standards set forth under X, § 901.2 (a), (b), and (c)**

*(a). Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The subject property is currently unimproved, and applicant proposes to construct a new building containing four (4) dwelling units, which complies with all the development standards applicable in the underlying RA-1 zone district within which the subject property is located as set forth under Subtitle F, Chapter 3.

Hence the application for relief is limited to establishing the proposed use in the zoning district within which the subject property is located

The general purpose and intent of the Zoning Regulations for the RA-1 zone district are set forth in Subtitle F, Chapter 3, §§ 300.1 (a) and 300.2, more specifically.

As stated under Subtitle F § 300.1 (a), the purpose of the RA-1 zone district is to permit “all types of urban residential development if they conform to the height, density, and area requirements established for these districts”

The proposed three-story apartment house is not inconsistent with the stated purpose because it is an urban residential development which conforms with the height, density and area requirements for its underlying zone district.

More specifically, F, § 300.1 states that the RA-1 zone district is intended to “provide for areas predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments”

The proposed three-story building is a low-rise apartment and is compatible with the predominant type of development in the immediate and general vicinity of its neighborhood of location.

For the foregoing reasons, applicant submits that the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

***(b). Will not tend to affect adversely, the use of neighboring property in accordance  
With the Zoning Regulations and Zoning Maps;***

The subject property is located in and surrounded by similarly zoned properties. Immediately adjoining properties are larger apartment buildings with aggregate higher density and building volume.

The proposed project is freestanding and will not share a common division wall with either of the two adjoining properties or lot line walls.

The subject property is wholly located within the RA-1 zone district, and is surrounded by similar apartment buildings, therefore not incompatible with the general use and bulk of adjoining properties.

The project will provide three off-street parking spaces two in excess of the minimum number of parking spaces required for the proposed use, accessible via an existing vehicular easement with entrances both from Fort Stevens Drive and from Peabody Street

The project will comply with all other development standards applicable in the underlying zone district of location

The proposed building location on a land-locked site with no street frontage, and behind 1320 Fort Stevens Drive itself an apartment house, results in limited to no visual impact on existing streetscape,

The building location will not result in adverse effect on the light and air of adjoining properties, which are improved by similar apartment house structures, given that the proposed structure is free-standing and separated from all adjoining buildings

For the foregoing reasons, the applicant submits that granting the special exception requested will not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

***(c). Will meet such special conditions as may be specified in this title.***

The special conditions specified are set forth under F, §§ 421.2 through 421.4.

The applicant notes that with the exception of § 421.4, all other conditions are that referrals to other Agencies shall be made by the Board.

***§ 421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:***

***(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and***

*Applicant contends that the proposed number of dwelling units four (4) are not substantial in number enough to significantly impact on the capacity of the existing or planned schools to adequately accommodate the potential number of residents expected to reside in the proposed project*

*Below are the schools in proximity to the subject property and relative distance from the subject property of application:*

- 1. Eaton Elementary School Public PK-5 2.82 miles*
- 2. Janney Elementary School Public PK-5 2.88 miles*
- 3. Hardy Middle School Public 6-8 3.98 miles*
- 4. Howard University Middle School PCS Charter 6-8 4.76 miles*
- 5. Duke Ellington School of the Arts Public 9-12 & Ungraded 4.08 miles*
- 6. British School Private PK-12 4.18 miles*

***(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.***

*The subject property is deemed “very walkable” in accordance with the walkability score (81 of 100 walkable score, very bikeable score of 65) for the property. The neighborhood is the twenty-third (23rd) most walkable neighborhood in Washington DC, making most errands possible on foot.*

*Further at a transit score of 64 the subject property is served by many nearby transportation options as attested by the public transit system, including carsharing from Zipcar, Hertz on Demand and RelayRides*

*The subject property is within nearby Public Transit as follows:*

#### ***Rail Lines***

*Red Metrorail Line: 1.2 miles*

#### ***Bus Lines***

*52 14th STREET: 0.0 miles 54 14TH STREET: 0.0 Mil*

*59th 14TH STREET LIMITED: 0.0 Miles D31 16TH ST-TENLEYTOWN 0.2 Mil*

*52 16th STREET: 0.2 Mil D34 16TH ST-TENLEYTOWN: 0.3 Mil*

*E4 MILITARY RD-CROSST: 0.2 Mil W45 MT. PLEASANT-TENLEYTOWN:0.2*

*D33 16TH ST.-TENLEYTOWN:0.2 59 16TH ST-METROEXT 0.2 Mil*

#### ***Nearby Parks***

*Rock Creek Golf Course*

*Fort Stevens Park*

*Manor Parking Community Gardens*

*Applicant submits that the subject property is well served by proximity to public streets, recreation and other services to accommodate the residents expected to reside in the proposed project.*

***§421.3. The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.***

*Applicant will consult interactively with the Office of Planning (OP) and is not likely to be averse to building design and other OP recommendation(s) for incorporation in project drawings, as deemed fit.*

***§421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.***

Applicant shall comply with the filing requirements and will file all such additional documents as may be recommended as part of final submissions

### **Community Outreach and Input**

Applicant shall present the project to ANC 4A as the ANC meeting calendar/agenda shall permit prior to the scheduled hearing date.

Applicant therefore anticipates that the ANC shall file its resolution before the scheduled BZA hearing date.

### **Conclusion**

As set forth under § 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions, to wit:



(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

(c) Will meet such special conditions as may be specified in this title.

The Applicant submits that the instant application complies with all conditions for the granting of the requested special exception set forth in Subtitle X, § 901.2 by virtue of the representations set forth under “Statement of Compliance with the Burden of Proof”

The proposed project provides three (3) off-street parking spaces, notwithstanding that none is required.

The proposed use is deemed a conforming use by definition, albeit allowed by special exception, and the proposed structure complies with and exceeds all other applicable development standards provisions in its underlying zone district of location.

Applicant respectfully requests for all the foregoing reasons that the Board approve the application for the relief sought.

**Witness**

- 1. Ramy Ali Architect**
- 2. Pastor Timothy Olawumi. Owner**
- 3. Florence Olajide Owner**